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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**\$252,140.00 IN U.S. CURRENCY,**

**Defendant.**

\_\_\_\_\_  
**INTERNATIONAL HUMAN RIGHTS  
COMMISSION, ROBERT SHUMAKE, and  
DARREN LENNARD COLEMAN,**

**Claimants.**

**CIVIL NO. 3:18 CV 646**

**NOTICE OF SUPPLEMENTAL  
AUTHORITY RELATED TO  
CLAIMANTS' REPLY  
MEMORANDUM OF LAW IN  
SUPPORT OF MOTION TO  
STRIKE COMPLAINT AND/OR  
DISMISS ACTION, AND RETURN  
PROPERTY; AND TO STAY  
PROCEEDINGS PENDING  
RULING.**

**[Local Rule 7.1(j)]**

Pursuant to Local Rule 7.1(j), Claimants submit this Notice of Supplemental Authority. The reasons for this Supplemental Authority is because the government, in its Response Brief (Doc. 25, filed 9/18/2020), has made disparaging ad hominum statements about counsel for Claimants, alleging that counsel for Claimants practiced a "plead first analyze later" tactic as part of his motions practice in *United States v. \$114,700.00 in United States Currency*. No. 17-CV-00452-CMA-GPG, 2020 WL 5076762 at \*3 (D. Colo. Aug 26, 2020).<sup>1</sup>

Counsel for Claimants have generally disputed those false remarks in their Reply Brief as follows:

\_\_\_\_\_  
<sup>1</sup> Although, it was the undersigned counsel's partner, Edward Burch, who tried the *\$114,700.00 in United States Currency* case in Denver, Colorado, any disparaging remarks about any attorney in the office of Michael & Burch will be disparaging against the firm itself. Furthermore, the government's comments were directed against the undersigned counsel, himself.

1 [T]he undersigned firm, because of the government's intransigence in refusing to  
2 settle, substantially prevailed by jury verdict, which led to the government facing an  
3 attorney fee bill of approximately \$480,000. See, *United States v. \$114,700.00 in*  
4 *United States Currency*. No. 17-CV-00452-CMA-GPG, Doc. 133, filed  
5 12/06/2019., ("As the Claimant has substantially prevailed in this matter, the provisions  
6 of 28 U.S.C. § 2465(b) shall apply regarding fees, costs and post-judgment interest  
under applicable statutes, federal and local rules."). See, also, *United States v.*  
7 *\$114,700.00 in United States Currency*, Doc, 134, filed 12/20/2019, (Motion for  
attorney fees the approximate amount of \$480,000).

8 Doc. 27, filed 9/25/2020, at p. 4

9 Yet, further investigation into a supplemental authority as to what the District Court in  
10 *\$114,700.00 in United States Currency* actually said about counsel, reveals the following  
statements made by the Court, itself, as set forth in counsel's brief in that case:

11 Case 1:17-cv-00452-CMA-GPG Document 160 Filed 03/30/20 (emphasis added)

12 p. 2:

13 Instead, as this Court indicated, it was a **"very efficient trial ... it was very well**  
14 **tried[,] I appreciate the professionalism that [the attorneys] showed one**  
**another."** Exh. 6 at 476:21-24 (emphasis added).

15 p. 14:

16 Undersigned stands by the positions he took and the quality of his briefing (**this**  
17 **Court specifically indicated that undersigned's brief writing was "very good"**,  
see Exh 11 at 2:19-20),

18 It was improper for the government to disparage the undesigned counsel, by presenting  
19 its twisted view of the litigation in *\$114,700.00 in United States Currency*, tried before a jury in  
20 federal court in Denver, Colorado, especially in a case where counsel's firm won a strongly  
21 contested jury trial in a district court far from his own office in San Francisco, CA. Perhaps the  
22 government might better serve this Court by citing to some forfeiture case in which the  
23 government, even in this district has, itself, won a jury trial with its own stellar litigation skills.

24 Dated: September 26, 2020  
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1 Respectfully submitted,

2 S/David M. Michael

3 DAVID M. MICHAEL, CSBN 74031

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8 Attorney for Claimants INTERNATIONAL HUMAN  
9 RIGHTS COMMISSION, ROBERT SHUMAKE and  
10 DARREN COLMAN  
11  
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13 **CERTIFICATE OF ELECTRONIC SERVICE**

14 The undersigned hereby certifies that, on September 26, 2020, he caused to be  
15 electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which  
16 will send a notice of electronic filing to all ECF-registered counsel by operation of the Court's  
17 electronic filing system. Parties may access this filing through the Court's system.  
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20 S/David M. Michael

21 DAVID M. MICHAEL  
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